



WORKERS COMPENSATION ADVISORY COUNCIL MEETING

Members Present:

Patrick Robinson (Chair)
Ray Peters
Chuck Davoli
Clark Cossé, III
Michael Morris
Greg Hubachek
Troy Prevot
Eddie Crawford
Bob Israel
Joseph Jolissaint

Members Absent:

Mark Kruse
Dr. Jim Quillen
Dr. Hank Eiserloh
Julie Cherry
Joe Shine
Denis Juge
Dr. Dan Gallagher

AGENDA

- Call to Order at 9:35am
- Update to LAC Title 40, Chapter 21- Pain Treatment Guidelines (Joe Jolissaint) [time stamp 6:33:27]
 - **Joe**- When were guidelines developed? Can the draft be circulated to all the parties in the future?
 - **Response by Patrick**- it was circulated to all members of the MAC and discussed in MAC April 22nd meeting.
 - **Response by Dr. Roy Lee** [*audience*] - it was based on Colorado except urine drug screens and psychological update. Psychological update is based on Colorado but CO uses “should”. The update went through psychologists (and pain mgmt agreed) then went to MAC. 2009-2010 was discussed to be based on Colorado. Colorado has 2 large committees and 4 full time people that work the guidelines year round and do not handle reviews.

May 2014 started assigning portions to subcommittee. December 2, 2014 meeting had members agreeing on most things but they didn’t agree on certain pain injections shots, etc. Then, guideline updates were assigned to members to review certain sections again by April 22, 2015.
 - **Joe**- who is on pain subcommittee?
 - **Response by Dr. Roy Lee** [*audience*]- Pain Management: Dr. Kevin Martinez and Dr. Steve Staires; Psychologist: Kevin Bianchini and Mark Zimmerman; Occupational Medicine: Troy Alleman and Robert Bourgeois

- **Joe**- Seems a lot of the initial changes were taken out in the recent update.
 - **Response by Dr. Roy Lee** [*audience*] - can't verify what happened before 2011 but Dr. Chris Rich would normally point out previous changes that needed to be left alone.

- **Joe**- When did the redline copy become available?
 - **Response by Dr. Roy Lee** [*audience*] – the MAC had a black, blue and red copy. Black was what was both, blue is removed, and red is added. Redline copy became available after April.

Another thing done to the 3 major update sections was a linked copy that you can use the table of contents to find sections as well as bibliography/citations.

 - **Response by Patrick** – it was circulated to members of the MAC which should have forwarded to the Boards representing each of the various specialties.

- **Joe**- The more eyes on it the better.
 - **Response by Patrick**- that's why there's a public comment and public hearing portion of the Administrative act.

- **Greg Hubachek**- Is this part of the Emergency Rule?
 - **Response by Patrick** – the Emergency Rule only applies to ICD-10. This is a separate NOI.

- **Greg Hubachek**- There were other parts of MTS that were updated?
 - **Response by Dr. Lee** (*audience*) - Chronic pain, cervical and low back were the major section updates. All eight sections had the general principles slightly updated.

- **Greg Hubachek**- Were there forms that were updated?
 - **Response by Patrick**- 1010 form merely crossed out ICD-9 to change to ICD-10. This is part of the emergency rule. Section 2715 is not included. Emergency Rule is ONLY for ICD-10 update.

- Public hearing is Oct. 28th for the MTS NOI at 9:30am on the 4th floor of LWC headquarters. Public hearing for ICD-10 NOI is Nov. 30th at 9:30am on the 4th floor of LWC headquarters.

- **Jenny Valois** (*audience*) [**time stamp 6:50:35**] - Thank you for the hyperlinked version because it will be much easier. Lafayette Parish library system has a huge research database. There's also a library share link. We need to address urine drug screen. Regulations say you need 4 drug screens per person.
 - **Response by Dr. Lee** (*audience*) - Incorrect. Our guidelines say same as State Board of Medical Examiners: you can do random drug screen at physician discretion. DHH requires “certified pain clinic” which there are only 11 listed. DHH has the list online and it was done to set restrictions on opioids, etc.
Low risk- 1-2/yr; Moderate risk- 3-4/yr; High risk- up to 4/yr.

- **Richard Hebert, MD** (*audience*) - There are only 5 CPT codes for drug screens. Another issue is the drug screen requiring to test for 30-40 products when someone has only taken one opioid.
 - **Response by Dr. Lee** (*audience*) - guidelines don't address what to test for.
 - **Response by Jenny Valois** (*audience*)- add something to guidelines that says nothing is less than what license requires. For example: low back and cervical references exemptions from 1009 process. Also, we need to update UR rules to exempt urine drug screen from 1010 process.
- **Cindy Bishop** (*audience*) – Does the 1010 form change? Will you explain the changes on the website? Can someone use the “old” form?
 - **Response by Larry White** (*audience*) - The 1010 form will be on our website. We'll note only change is ICD-9 to ICD-10. You can use the “old form”
- **Joe**- If provider uses old form after Oct. 1st, will it be denied?
 - **Response by Patrick**- If you use the old codes after Oct. 1st it will be returned. If you just use the form that was ICD-9 but use ICD-10, you should be fine.
- **Louisiana Safety Association of Timberman Self Insurers Fund Bankruptcy Proceedings** (Joe Jolissaint) [time stamp 7:02:10]
 - Group self-insured is not regulated by the OWC. It is an entity we are aware of it. It is in bankruptcy and DOI is looking at it.
 - **Joe**- why does self-insured fund that participate in LIGA exclude WC?
 - **Response by Michael Morris**- it's only admitted carriers under DOI and unadmitted carriers.
 - **Joe Jolissaint**- Can OWC double check DOI audits?
 - **Response by Pauline Williams** (*audience*) – can only regulate individual self-insured.
 - We are handing out contact information for Bankruptcy trustee. There is a hearing at the district court in Alexandria on Oct. 14th to liquidate Timberman's funds.
 - **Troy Prevot**- report to GAAP; non-statutory. Don't follow “yellow book”
 - **Eddie Crawford**- Why DOI regulation?
 - **Response by Michael Morris**- Varies by state, DOI has more staffing for audits.
 - **Pauline Williams** (*audience*) - will update list on website. Once filed bankruptcy it all goes to trustee and is out of DOI hands.
 - **Joe**- Any proof of claim will need to be filed by Dec. 15th in Alexandria. Form on Middle District website.
 - **Jenny Valois** (*audience*) [time stamp 7:17:07]- can we have more in reserve for MSAs since it will be left over claims not paid?
 - **Response by Patrick**- not under OWC jurisdiction

- Louisiana Safety Association of Timberman Self Insurers Fund Bankruptcy Proceedings (Joe Jolissaint) [time stamp 7:18:05]
 - Emergency Rule and NOI implementing ICD-10
 - LWC Educational Conference- January 21-22, 2016, renaissance Hotel, Baton Rouge
 - November 2-6th is National Kids' Chance Awareness Week

- Public Comment [time stamp 7:21:27]
 - **Jenny Valois (audience)** - Since changing 1010 form, can we add employee be copied? Section 6 & 7 still for suspension?
 - **Response by Patrick**- hasn't really used. Will fix header.

- Adjourn at 10:27am
 - Moved- Clark; Second- Greg.